

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 5577 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

HARSH @ GULU RAMANBHAI BHAVSAR

Versus

STATE OF GUJARAT

Appearance:

MR SAURIN A SHAH for Petitioner

MR BY MANKAD ADDL PUBLIC PROSECUTOR for Respondent No. 1

MR KP SHAH for Respondent No. 2, 3

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 28/09/1999

ORAL JUDGEMENT

#. Rule. Mr.Mankad, learned APP appearing for respondent No.1 State and Mr.K.P.Shah, learned advocate appearing for the respondents No.2 & 3 waive service of rule on behalf of the respective respondents. Consequent upon the joint request of the learned advocates for the parties, this matter is taken up for final hearing today.

#. Heard Mr.Saurin Shah, learned advocate appearing for the petitioner. Affidavits of two aggrieved persons viz. (i) Rajubhai Manubhai Rana and (ii) Gunvanatbhai Natvarlal Shah are tendered by the learned advocate Mr.K.P.Shah appearing for these two respective respondents No.2 & 3. Considering the compromise between the parties and the nature of the dispute, this Court can quash the proceedings initiated on the strength of the complaint launched by Rajubhai Manubhai Rana on 9th September, 1999.

#. The complaint revels that the offence punishable under Section 386, 452, 427, 504 and 114 and also under Section 506(2) were committed. Initially the Court was of the view that looking to the nature of the offences, the proceedings initiated cannot be quashed but in view of the affidavits tendered today and the various decisions of this Court including the decision in the matter of MAGANBHAI CHIMANBHAI VASAVA VS. STATE OF GUJARAT rendered in Criminal Misc. Application No : 6268 of 1997 (Coram : M.S.Parikh, J.) and other decisions referred, therein, I accept the submission of Mr.Saurin Shah advanced on behalf of the peititioners, and therefore, the prayer should be granted.

#. Mr.Mankad, learned APP appearing for respondent No.1 State submits that in number of cases where the parties have compounded out of the Court and have reached the amicable settlement, this Court has taken such stand and the proceedings are ordered to be terminated. There is no specific statement of resistance from the State as the affidavits of respondent No.2 & 3 are tendered by the learned advocate appearing for them.

#. In view of the above submission, the petition stands allowed and the proceedings initiated vide C.R.No : I - 301 / 1999 registered at Maninagar Police Station on 9th September, 1999 is hereby quashed and set aside. Rule is made absolute. No costs.

Date : 28-9-99 [C.K.Buch, J.]

#kailash#